REMARKS

This Amendment is submitted in reply to the final Office Action dated October 15, 2010. No fees are due herewith this Amendment. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00737 on the account statement.

Claims 1-9, 11-14, 16, 19, 20 and 27 are pending in this application. Claims 1-8 and 19-20 were previously withdrawn from consideration. Claims 10, 15, 17-18 and 21-26 were previously canceled without prejudice or disclaimer. In the Office Action, Claims 9, 11-14, 16 and 27 are rejected under 35 U.S.C. §102. Claims 9, 11-14, 16 and 27 are rejected under 35 U.S.C. §103. In response, Claim 9 has been amended and Claim 13 has been canceled. The amendment does not add new matter and are supported in the specification at, for example, page 5, lines 4-8. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 9, 11-14 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,849,786 to Bidel ("*Bidel*") as evidenced by Global Herbal Supplies ("*Global*"). Claims 9, 11-14, 16 and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,587,176 to Warren et al. ("*Warren*") as evidenced by Hesperidin 170 ("*Hesperidin*"). Applicants respectfully submit that the cited references are deficient with respect to the present claims.

Currently amended independent Claim 9 recites, in part, a method for improving at least one skin characteristic of a human or pet animal, wherein the at least one skin characteristic is selected from the group consisting of photoprotection, hydration, dryness, firmness, elasticity, thickness, regular pigmentation, barrier function, antioxidant status, reduced risks of inflammation, and reduced signs of ageing, comprising orally administering a composition comprising at least one flavanone compound selected from the group consisting of isosacuranetin, naringin, hesperidin, eriodictyol, poncirin, neoeriocitrin and a mixture thereof or a derivative of at least one flavanone selected from the group consisting of their chalcone, glycosylated or methylated forms and sulfated and glucuronidated forms which are a product of their metabolism in blood and a mixture thereof, as an active ingredient to a human or pet animal

requiring improvement in the at least one skin characteristic, the flavanone compound, its derivatives or mixtures thereof present in an amount from 0.01 mg to 1.0 g of aglycone equivalent of the flavanone compound. The amendments do not add new matter and are supported in the specification at, for example, page 5, lines 4-8. Applicants have found that the presently claimed methods of administering compositions having at least one flavanone compound or its derivatives or a mixture thereof results in an improved skin health related to a range of skin disorders including, for example, photoprotection, hydration, dryness, firmness, thickness, etc. See, specification, page 3, lines 1-9. In contrast, Applicants respectfully submit that the cited references fail to disclose or suggest each and every element of the present claims.

Bidel and *Warren* both fail to disclose or suggest a method for improving at least one skin characteristic of a human or pet animal, wherein the at least one skin characteristic is selected from the group consisting of photoprotection, hydration, dryness, firmness, elasticity, thickness, regular pigmentation, barrier function, antioxidant status, reduced risks of inflammation, and reduced signs of ageing, comprising orally administering a composition comprising at least one flavanone compound selected from the group consisting of isosacuranetin, naringin, hesperidin, eriodictyol, poncirin, neoeriocitrin and a mixture thereof or a derivative of at least one flavanone selected from the group consisting of their chalcone, glycosylated or methylated forms and sulfated and glucuronidated forms which are a product of their metabolism in blood and a mixture thereof, as an active ingredient to a human or pet animal requiring improvement in the at least one skin characteristic, the flavanone compound, its derivatives or mixtures thereof present in an amount from 0.01 mg to 1.0 g of aglycone equivalent of the flavanone compound as required, in part, by independent Claim 9. Indeed, the Patent Office fails to cite to any portion of *Bidel* disclosing same, and even admits that *Warren* fails to disclose or suggest the presently claimed amounts of the flavanone, its derivatives or mixtures thereof. See, Office Action, pages 2-3; and page 5, lines 16-17.

Further, anticipation is a factual determination that "requires the presence in a single prior art disclosure of each and every element of a claimed invention." *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747 (Fed. Cir. 1987) (emphasis added). Federal Circuit decisions have repeatedly emphasized the notion that anticipation cannot be found where less than all elements of a claimed invention are set forth in a reference. See, *e.g.*, *Transclean Corp. v.*

Bridgewood Services, Inc., 290 F.3d 1364, 1370 (Fed. Cir. 2002). As such, a reference must clearly disclose each and every limitation of the claimed invention before anticipation may be found. Because *Bidel* and *Warren* fail to disclose or suggest each and every element of the present claims, *Bidel* and *Warren* fail to anticipate the present claims.

Accordingly, Applicant respectfully requests that the anticipation rejections with respect to Claims 9, 11-14, 16 and 27 under 35 U.S.C. §102(b) be reconsidered and withdrawn.

In the Office Action, Claims 9, 11-14, 16 and 27 are rejected under 35 U.S.C. §103(a) as being anticipated by *Warren* as evidenced by *Hesperidin*. Applicants respectfully submit that *Warren* as evidenced by *Hesperidin* is deficient with respect to the present claims.

As discussed above, currently amended independent Claim 9 recites, in part, a method for improving at least one skin characteristic of a human or pet animal, wherein the at least one skin characteristic is selected from the group consisting of photoprotection, hydration, dryness, firmness, elasticity, thickness, regular pigmentation, barrier function, antioxidant status, reduced risks of inflammation, and reduced signs of ageing, comprising orally administering a composition comprising at least one flavanone compound selected from the group consisting of isosacuranetin, naringin, hesperidin, eriodictyol, poncirin, neoeriocitrin and a mixture thereof or a derivative of at least one flavanone selected from the group consisting of their chalcone, glycosylated or methylated forms and sulfated and glucuronidated forms which are a product of their metabolism in blood and a mixture thereof, as an active ingredient to a human or pet animal requiring improvement in the at least one skin characteristic, the flavanone compound, its derivatives or mixtures thereof present in an amount from 0.01 mg to 1.0 g of aglycone equivalent of the flavanone compound. The amendments do not add new matter and are supported in the specification at, for example, page 5, lines 4-8. Applicants have found that the presently claimed methods of administering compositions having at least one flavanone compound or its derivatives or a mixture thereof results in an improved skin health related to a range of skin disorders including, for example, photoprotection, hydration, dryness, firmness, thickness, etc. See, specification, page 3, lines 1-9. In contrast, Applicants respectfully submit that *Warren* fails to disclose or suggest each and every element of the present claims.

The Patent Office admits that *Warren* fails to disclose or suggest the presently claimed amounts of the flavanone, its derivatives or mixtures thereof. See, Office Action, page 5, lines

16-17. However, the Patent Office asserts that since *Warren* discloses a "dosage form of hesperetin . . . administered at from about 0.1 mg/kg of body weight to about 500 mg/kg (column 12, lines 55-60) . . . it would have been obvious to make a concentrated composition containing hesperetin for use as a pharmaceutical agent." See, Office Action, page 5, line 21-page 6, line 2. Applicants respectfully disagree.

Applicants note that hesperetin is not the same as hesperidin. Hesperetin is the aglycone form of hesperidin. Hesperetin has a molecular formula of $C_{16}H_{14}O_6$, while hesperidin has a molecular formula of $C_{28}H_{34}O_{15}$. See, e.g., Wikipedia, "Hesperetin" and "Hesperidin." Because the two compounds have different molecular formulas, the skilled artisan would expect the two compounds to have different physical and chemical properties. Applicants also note that the "aglycone" form of hesperidin has been canceled from the pending claims and *Warren* fails to disclose or suggest hesperidin, let alone the presently claimed amounts of the flavanone, its derivatives or mixtures thereof. Also, despite the current amendments to the claims (e.g., the flavanone compound, its derivatives or mixtures thereof present in an amount from about 0.01 mg to 1.0 g of aglycone equivalent of the flavanone compound), the limitation does not mean that the aglycone equivalent of the flavanone compound is present in the presently claimed compositions.

Further, Applicants respectfully submit that *Warren* fails to even recognize the benefits or advantages obtained by administration of the presently claimed compositions. Indeed, *Warren* fails to disclose or even suggest the presently claimed benefits of photoprotection, hydration, dryness, firmness, elasticity, thickness, regular pigmentation, barrier function, antioxidant status, reduced risks of inflammation, and reduced signs of ageing may be achieved by administration of the presently claimed amounts of hesperidin.

Hesperidin merely provides basic information about hesperidin and fails to disclose or suggest the presently claimed methods of administering compositions, let alone the presently claimed amounts of the flavanone, its derivatives or mixtures thereof.

For the reasons discussed above, *Warren* as evidenced by *Hesperidin* does not teach, suggest, or even disclose all of the elements of the present claims, and thus, fails to render the claimed subject matter obvious.

Accordingly, Applicants respectfully request that the obviousness rejection of Claims 9, 11-14, 16 and 27 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly request an early allowance of the same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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